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act is to stand, it would seem desirable that it should be so amended as to allow the injured employee the election of suing under the state act, even if the Federal act would apply. Injured employees seeking the more extensive benefits of state acts could not then be denied a recovery because of lack of jurisdiction. There would be left in doubt only those cases where the employee finds it more to his interest to sue under the Federal act. In view of the increasing number of states adopting workmen's compensation acts, it is submitted that the number of these latter cases would soon be reduced to a minimum.

In the present situation it may be well for the United States Supreme Court to continue so to limit the application of the Federal act as to allow to the states as fully as possible the opportunity of regulating and legislating upon this matter of primarily local concern, in which they have, of late years, been deprived of initiative by the increasing encroachments of Federal legislation.

P. S. M.

Book Reviews

THE CIVIL PRACTICE MANUAL OF THE STATE OF NEW YORK—
Prepared by Edward H. Wilson. Clark Boardman Co., New York.
1920.

The State of New York was the first common-law jurisdiction to make a radical reform in its civil procedure. The Field Code of 1848 anticipated the fundamental characteristics of the English Judicature Act, and this Code, as well as the Throop Code, which followed it (1876-1880), have been widely influential in determining the form of procedure in almost all American states.

Since 1895 there have been sporadic attempts in New York to make further changes in the interests of the convenience of the bar and the expedition of justice. A series of facts were finally reported in 1919 and adopted in 1920 to take effect April 15, 1921. These were the Civil Practise Act, the Surrogate Court Act, Court of Claims Act, New York City Court Act, Justice Court Act. They take the place of such provisions of the Code of Civil Procedure as are not transferred to other acts. Of the latter we note especially that the rules for actions relating to real property are transferred to the Real Property law and for many testamentary actions, to the Decedent Estate Law.

Perhaps the most striking change introduced by the new system is the abolition of the demurrer, and the time-honored writs (except habeas corpus). Objections to pleadings are to be raised hereafter by motion and the relief formerly granted by writs is to be obtained by orders bearing the same name. To those who regret the passing of the ancient landmarks, it may be comforting to recall that for several generations courts and

lawyers will continue to use the forms here rudely set aside, and that we shall hear of "motions equivalent to demurrers" and "orders taking the place of writs" for some time; so that the new dispensation may do what Tyrrel's Case did not do; viz, add a few words to an established procedure.

New York by this act validates the declaratory judgment (Civil Practice Act, § 473.) It remains to be seen whether the New York courts will follow the recent Michigan case of *Anway v. Grand Rapids Railway Co.* (1920, 179 N. W. 350) which declared such a provision unconstitutional, in that it imposed non-judicial functions on a court.

In this convenient manual of Mr. Wilson, all these acts are printed, together with the New York City Municipal Court Code and the Rules of Practice formulated in accordance with statute, by a convention of Supreme Court justices. Full indices are provided after each act.

Is there a touch of sociological interpretation in the fact that these Rules of Practice in effect incorporate into the laws of New York the American Experience Table of Mortality, printed after the rules?
Max Radin.

AMERICAN CIVIL CHURCH LAW. Carl Zollman. Columbia University Studies in Political Science, vol. LXVII. 1917, pp 473.

In this formidable book of 473 pages, Mr. Zollman deals exhaustively with the law governing many of the relations between church organization and state organization in America. The matter of "charitable trusts," i. e., those charitable trusts that have a religious purpose, is reserved for a separate volume. A number of the chapters have appeared as separate articles in legal and other periodicals. However, fully half the book is new, including such intriguing titles as "Schisms," chap. VII, and such legally important questions as Implied Trusts (Ch. VI) and Contracts (Ch. XI.)

Within the field mentioned Mr. Zollman omits nothing of importance. The reader will find fully discussed all the trying questions in which religious corporations have been assimilated to, or differentiated from, other associations. These questions have always been considered ticklish ones, and courts as well as writers are prone to be frightened of them. Mr. Zollman is not, and that is a great merit.

The most generally interesting chapter is the first—Religious Liberty—previously published in the *Illinois Law Review*. Mr. Zollman's views on religious liberty are quite orthodox. Everybody may profess and teach what he likes, "provided he does not incite to crime or a breach of the peace." But laws may properly provide Bible-reading in public schools and otherwise recognize the fact that Christianity is the prevailing religion. Illinois, which says that law may not do that, "harks back to a conception of religious liberty that is Jacobinical rather than American."